

REMARKS/ARGUMENTS

Claims 15-19 and 21-29 are pending herein, with claims 15 and 23 being in independent form. Claims 23-25 have been amended.

In the pending Office Action, the Examiner allowed claims 15-19, 21 and 22, and rejected claim 23 under 35 U.S.C. § 102(b) as anticipated by United States Patent No. 5,614,146 (Nakamura, *et al.*); claims 24 and 25 under 35 U.S.C. § 102(b) as anticipated by Nakamura, *et al.* or, in the alternative, under 35 U.S.C. § 103(a) as obvious over Nakamura, *et al.*, in view of United States Patents Nos. 3,602,496 (Langenohl), 6,159,568 (Freedman, *et al.*), 4,986,866 (Ohba, *et al.*) and 4,992,038 (Furuse, *et al.*); claims 26 and 27 under 35 U.S.C. § 103(b) as obvious over Nakamura, *et al.*, in view of Langenohl, Freedman, *et al.*, Ohba, *et al.*, and Furuse, *et al.* as applied to claims 24 and 25, and further in view of United States Patent No. 4,479,771 (Slat, *et al.*); and 28 and 29 as obvious over Nakamura, *et al.*, in view of Langenohl, Freedman, *et al.*, Ohba, *et al.*, Furuse, *et al.* and Slat, *et al.*, as applied to claims 26 and 27, and further in view of United States Patent No. 4,725,327 (Matuda, *et al.*).

After carefully reviewing the Examiner's rejections and the comments provided in support thereof, applicants respectfully submit that the claims as amended present allowable subject matter, and therefore request the withdrawal of the outstanding rejections.

The subject invention is a method and apparatus for injection molding a receptacle having a flat covering label. The label is preshaped by sealing at least two edges of the label together so that the label has a shape conforming to the core of the mold, *i.e.*, an oval or circular shape. The pre-shaped label is then folded flat for storage, preferably in a magazine for later dispensing. A movable pneumatic gripping means grips an outside face of the label and reshapes the label into its unflattened (oval or circular) configuration. The unflattened

label is then transferred and deposited into the mold core, and plastic is introduced into the mold to form the receptacle with the label embedded in the outside of the receptacle formed by the method.

The claimed method and apparatus differ from Nakamura, *et al.* Nakamura, *et al.* teach the use of a pseudo-core 2 to pick up a flat label L from a stack of labels. By applying air suction to one side of the flat label (Fig. 3), the label L is removed from the stack and placed in proximity to the pseudo-core 2. Once there, air is drawn through suction passages 21b (Fig. 4) to draw the flat label L around pseudo-core 2 (*see* broken lines in Fig. 4) and provide the desired shape to the flat label L (shown in Fig. 5). This is described in Nakamura, *et al.* at col. 4, lines 45-59. Label L may then be placed onto the cavity (matrix) of the mold (*see* Nakamura, *et al.*, col. 5, lines 6-13).

Nakamura, *et al.* thus do not disclose an apparatus for molding a receptacle provided with a label, the apparatus comprising means for deploying and expanding a folded flat label from a folded configuration to an unfolded shape as recited in claim 23, as amended.

Therefore, the subject matter of claim 23 is novel in view of Nakamura, *et al.*

Furthermore, the Examiner presumes that the pneumatic gripping means of Nakamura is capable of pneumatically gripping a doubled up, sealed, folded label and that the pneumatic transfer means is also capable of reshaping such a label into a rolled, unflattened, configuration and depositing it onto the male portion of the mold. This is, however, neither shown nor described in Nakamura, *et al.* Indeed, pseudo core 2 of the Nakamura, *et al.* device (which actually forms the pneumatic transfer means) cannot reshape a folded flat label into a rolled unflattened configuration. Rather, Nakamura, *et al.* teach that the label be unfolded so that it can be wrapped around the outer periphery of pseudo core 2 by suction of air through the

sucking passages 21b of pseudo core 2 (column 4, lines 45-59 and Fig. 4 of Nakamura, *et al.*). If the label brought in the vicinity of pseudo core 2 by second supplying means 11A, 11B was a folded label, such label would be positioned, in its folded state, by suction about the outer periphery of pseudo core 2. In other words, there is no teaching in Nakamura, *et al.* to unfold a folded label before the label is placed about pseudo core 2.

Consequently the outside surface of the label would be in contact with the outer surface of pseudo core 2 but remain in a folded configuration, as the label wouldn't have been deployed and expanded before placement onto pseudo core 2. The label would thus define a volume that is exactly half the volume of the unfolded, rolled label and therefore such label would match neither the volume of the mold nor the size of the receptacles to be labeled.

Moreover, as a folded label could not be brought into a rolled unflattened configuration with pseudo core 2 of the Nakamura, *et al.* device, it could not be deposited onto the male portion of the mold as the label must be engaged around the male portion with its inside surface fitted onto the outer periphery of said male portion.

Pseudo core 2 of the Nakamura, *et al.* device could also not place a rolled label onto the male portion of the male as it has the same frustoconical shape, oriented in the same direction as male portion 7. As a consequence, if pseudo core 2 was to place a label wound on its outer surface onto male portion 7, it could absolutely not engage the label around male portion 7, since the smaller ends of pseudo core 2 and male portion 7 lie *opposite* to each other, rendering cooperation between them impossible under these circumstances.

For these reasons, it is believed that Nakamura, *et al.* does not anticipate the pending claims.

Furthermore, the apparatus disclosed by Nakamura, *et al.* does not render obvious the apparatus as claimed in claims 24-29. Specifically, the pneumatic transfer means (pseudo core) 2 of the Nakamura, *et al.* device cannot reshape a folded label into a rolled unflattened configuration in a manner suitable to place it onto the male portion 7 of the mold. Such reshaping of the folded label is achieved in the claimed apparatus by means of the pneumatic transfer means 30, 31, 32, 33, 34 (Figs. 10 - 16 in the present application), which tend first to deploy the folded flat label by adhesion to one of the outside side wall of the label (page 15, lines 5-10 of the present application). The reshaping of the label to its rolled unfolded shape is then completed by means of expanding and deploying means 35, 36 taking position inside the at least partially deployed label and pushing back the inside walls. This may be accomplished in practice using blower means 35 blowing air jets through nozzles 35a onto the inside walls (page 15, lines 15-25) or by means of a mechanical hinged structure pushing back the side walls of the label from the inside (page 9, lines 9-14).

Nakamura, *et al.* fail to teach or suggest the use of a folded label nor such means for deploying and expanding a folded label. Even if folded labels were used with the device of Nakamura, *et al.*, they could not be reshaped and used in that device without deploying and expanding means as recited in claim 23 as amended. Nakamura, *et al.*, however, fail to disclose any such deploying and expanding means.

Therefore, the subject matter of claim 23, as amended, is not rendered obvious by Nakamura, *et al.*

The other references upon which the Examiner has relied do not disclose or suggest use of a folded label or means for deploying and expanding a folded label in combination with pneumatic transfer means.

Therefore, a combination of the teaching of those documents with the teaching of Nakamura, *et al.* would neither teach nor suggest the subject matter of claim 23, as amended, or render that claim obvious in view of the applied references.

Consequently, amended claim 23 should be found new and unobvious over the applied references, and claims 24 to 29, being directly dependent from amended claim 23, are likewise new and nonobvious.

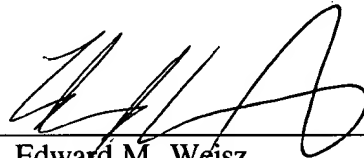
For all these reasons, therefore, it is respectfully submitted that apparatus claims 23-29 are also allowable over any combination of the references applied by the Examiner, and early and favorable action thereon is respectfully solicited.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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